

S.B.Civil Writ Petition NO.908/2002

M/s.Zamindara Autos Ltd.

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 19.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Vineet Kothari, for the petitioner.
Mr. L.R.Upadhayay, Dy.GA, for the respondents.

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Learned counsel for the petitioner submits that in the identical facts and circumstances of the case, the appellate authority has decided one of the matter of the petitioner for the assessment year 1999-2000 on 6.2.2004, copy of which is placed on record as Annex.15 and the appellant authority is therefore, bound to follow the decision, which has already been given by the appellate authority in the petitioner's own case, though relating to the different assessment year. According to learned counsel for the petitioner, the petitioner came before this court as the interim relief was not granted to the petitioner for the assessment year 1998-1999 despite the fact that petitioner's appeal for this year is pending before the appellate authority.

In view of the above facts, the petitioner may pursue his appeal

and may take the benefit, which accrues to the petitioner by virtue of the order dated 6.2.2004 in accordance with law.

The writ petition, therefore, deserves to be disposed of with a direction to the appellate authority to decide the appeal of the petitioner in accordance with law within a period of six weeks from today. The copy of the order may be sent to the appellate authority. Till then, no coercive action be taken against the petitioner as this court passed the interim order in favour of the petitioner on 13th March, 2002 and is continuing till today.

Hence, the writ petition of the petitioner is disposed of.

(Prakash Tatia), J.

c.p.goyal/-